

KEN VOGEL COVERS UP RUDY GIULIANI AND HIS ALLEGED RUSSIAN SPIES

Amid rising criticism that it is burying the Alexander Smirnov scandal while continuing to flood the market with yet more transphobia and complaints that Biden's age might be worse than Trump's promise to let Russia attack NATO states, NYT has added Ken Vogel to the Hunter Biden beat.

Congratulations, Devlin Barrett. You are no longer the most inappropriate mouthpiece to work the dick pic sniffing beat.

Vogel wrote a story with Glenn Thrush that really struggled with basic details about the Hunter Biden investigation. For example, like Devlin in his own story, the men claimed to be unable to understand how David Weiss' renewed focus on Smirnov's FD-1023 might explain why Leo Wise said that FARA charges were still on the table on July 26, 2023 when Weiss' First AUSA had told Chris Clark a month earlier on June 19, "there was not another open or pending investigation."

In a court filing, they contended that Mr. Smirnov's false claims "infected" the cases, and suggested, without providing evidence, that prosecutors reneged on a plea deal last summer because they had followed "Mr. Smirnov down his rabbit hole of lies."

There was no ongoing investigation on June 19. And then, facing pressure from Congress and Bill Barr, David Weiss twice said (the second time in his House Judiciary Committee testimony) that the FD-1023 was part of the newly ongoing investigation. The September 27 interview of Smirnov could not, yet, have been an investigation of *Smirnov*, because Weiss treats his indictment as a "matter[] that arose" in his

investigation of Hunter Biden. Weiss had to have been chasing Smirnov's manufactured bribery claim, not Smirnov himself, yet.

It's not the struggle with basic facts about the Hunter Biden investigation that I find so remarkable, though. That's pretty typical from people on the dick pic sniffing beat.

It's the shamelessness by longtime Rudy Giuliani mouthpiece Ken Vogel of his cover-up of Rudy's role in all this.

The men claim, for example, that it was the sheer volume of tips about Hunter Biden that led Bill Barr to set up a secret special intake process starting on January 3, 2020, at a time when there was already an investigation into Hunter Biden that could have ... just taken those tips.

For instance, he appears to have told the F.B.I. that a business associate who introduced him to Burisma executives had ties to Russian organized crime, according to notes of this conversation, which do not indicate whether there is proof of the claim.

It is the sort of raw intelligence that law enforcement routinely collects and vets behind closed doors before determining whether to act on it, the investigation into Hunter Biden's foreign business dealings attracted so much of it that the Justice Department created a special intake process.

They make that claim while linking to this NYT story (still one of the best on the Scott Brady side channel), which mentions Rudy Giuliani two dozen times, including in the headline.

Material From Giuliani Spurred a Separate Justice Dept. Pursuit of Hunter Biden

The inquiry, based out of Pittsburgh, was run parallel to an investigation in Delaware and raised alarms among F.B.I. agents about politicization.

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They claim Smirnov's tip was simply shared with Scott Brady's side channel, when the testimony they link describes Brady asking the FBI to search for Hunter Biden and Burisma (still an unconvincing claim, particularly given Chuck Grassley's claim that the tip came from an investigation into Mykola Zlochevsky that had been shut down days earlier).

A federal prosecutor involved in screening claims about Mr. Biden's foreign work testified last year that Mr. Smirnov was an "important confidential human source" who "had been used in other investigations."

They don't mention that the Brady transcript they link mentions Rudy 126 times, including descriptions of the interview Brady conducted with Rudy, an interview with someone under active criminal investigation that was not shared with the people conducting that criminal investigation, an interview in which Seth DuCharme had requested Brady participate personally, "so we get a sense of what's coming out of it," an interview in which Rudy was less than forthcoming about Rudy's indirect interview of Zlochevsky the previous year.

But the most astonishing aspect of Ken Vogel's claim that "the investigation into Hunter Biden's foreign business dealings attracted so much [raw intelligence] that the Justice Department created a special intake process" – again, NYT is making this claim about a side channel to an existing investigation that even Brady says is where such intelligence could actually be vetted, with subpoena power – is that Ken Vogel broke the story of Rudy's December 2019 trip to meet with, among others, a bunch of people who have since been sanctioned as participants in Russian influence operations.

Giuliani, Facing Scrutiny, Travels to Europe to Interview Ukrainians

President Trump's personal lawyer has been in Budapest and Kyiv this week to talk with former Ukrainian prosecutors for a documentary series intended to debunk the impeachment case.

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Rudolph W. Giuliani is in Europe this week continuing to gather information that he hopes will be politically advantageous to his client, President Trump. Erin Schaff for The New York Times

By **Kenneth P. Vogel** and **Benjamin Novak**

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Vogel described, in real time, Rudy meeting with Kostiantyn Kulyk and Andrii Telizhenko, who both would be sanctioned by Steve Mnuchin's Treasury on January 11, 2021. Vogel's story about Andrii Derkach's sanctioning on September 10, 2020 – again, by Mnuchin's Treasury – describes that Giuliani met with Derkach on that same trip.

Vogel knows that the leads that Bill Barr set up a special side channel to claim to vet (Brady's

transcript reveals how shoddy his vetting was, including his claim that Smirnov's travel records were consistent with Smirnov's bribery allegation when the indictment alleges that the travel records prove his claims to be false) didn't just appear out of nowhere. It wasn't the volume of the leads that required some intake process before the leads got shared with the preexisting investigation of Hunter Biden.

It was the fact that the President's lawyer had solicited help from people US spooks were pretty sure were Russian agents, and rather than warning Rudy off that effort, DOJ instead set up a special accommodation via which DOJ might share information from Russian spies with those investigating Trump's rival's son, a special accommodation that could, and did, protect Rudy from any legal consequences for soliciting campaign help from Russian spies.

And then by some remarkable coincidence, while purportedly vetting all this dirt solicited by Rudy Giuliani, Scott Brady went out and through still unexplained means *found* the guy who happened to be willing to fabricate a claim about Burisma bribing Joe Biden.

Only, it probably wasn't a wild coincidence. The Smirnov indictment ties Smirnov's dangles of claims against Biden to this article about Rudy soliciting help from Andrii Derkach.

Ukrainian lawmaker releases leaked phone calls of Biden and Poroshenko

By [Paul Sonne](#) and [Rosalind S. Helderman](#)
May 19, 2020 at 11:25 p.m. EDT



Rudolph W. Giuliani, left, President Trump's personal attorney, seen last year in Kyiv with Andriy Derkach, an independent member of Ukraine's parliament. (AP)

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Ken Vogel knows Rudy's role in the side channel that led to the Smirnov claim as well as anybody. But his story about the side channel covered up Rudy's role – two dozen mentions at one of his links and over a hundred at the other – and in the process covered up the Russian spies that necessitated the side channel.

Update: In a really good timeline of the back history of the FD-1023, Glenn Kessler describes that Bill Barr doesn't want to talk about it.

Barr spoke briefly to The Fact Checker, off the record, before hanging up the phone.

Update: Jerry Nadler has asked Michael Horowitz to investigate Scott Brady for, among other things, his misleading testimony.

Update: Fixed year on Rudy's trip to visit the Russian spies.